


Entered - 08/10/99 - sb  
CL99L0497 - DIANNE C. MITCHELL

CLAIM OF: **DIEGO RUIZ,**  
through his attorney,  
**Charles K. Reed**  
**Suite 2700**  
**999 Peachtree Street, NE**  
**Atlanta, Georgia 30309**

**01- R -0943**

For damages alleged to have been sustained as a result of a personal injury due to stepping into an open water meter on March 21, 1999 on Buckhead Avenue.

THIS ADVERSED REPORT IS APPROVED

BY:   
**ROBERT N. GODFREY**  
**DEPUTY CITY ATTORNEY**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0497

Date: June 12, 2001

Claimant /Victim DEIGO RUIZ  
BY: (Atty) Charles K. Reed  
Address: Suite 2700, 999 Peachtree Street, NE, Atlanta, Georgia 30309  
Subrogation: Claim for Property damage \$ Bodily Injury \$ 15,000.00  
Date of Notice: 08/20/99 Method: Written, proper X Improper   
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 03/21/99 Place: Buckhead Avenue  
Department  Division:   
Employee involved  Disciplinary Action:

NATURE OF CLAIM: The claimant alleges that he was injured when he stepped into an open water meter. The claim was forwarded to United Water Services Atlanta for handling and their insurance carrier, The Travelers, has settled this claim with the claimant.

INVESTIGATION:

Statements: City employee  Claimant  Others  Written  Oral   
Pictures  Diagrams  Reports: Police  Dept Report  Other   
Traffic citations issued: City Driver  Claimant Driver   
Citation disposition: City Driver  Claimant Driver

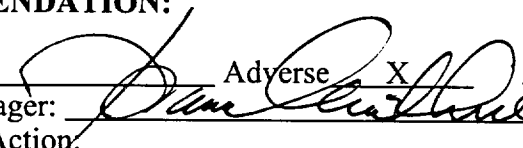
BASIS OF RECOMMENDATION:

Function: Governmental  Ministerial   
Improper Notice  More than Six Months  Other  Damages reasonable   
City not involved X Offer rejected  Compromise settlement   
Repair/replacement by Ins. Co.  Repair/replacement by City Forces   
Claimant Negligent  City Negligent  Joint  Claim Abandoned

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$  Adverse X Account charged: 1A01  2J01  2H01   
Claims Manager:  Concur/date 06-13-01  
Committee Action:  Council Action

July 19, 1999

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Here, the City of Atlanta obviously had notice of a defect in the sidewalk because it provided a wholly inadequate barricade which had been destroyed by unknown forces. See photographs attached hereto as Exhibit "A". The city's failure to remedy this defect or otherwise warn the public of the defect constitutes negligence on behalf of the city of Atlanta.

As demonstrated by the medical bills attached hereto as Exhibit "B", Mr. Ruiz has incurred special damages in the amount of \$785.50. Also, as proved by the photographs attached hereto as Exhibit "A", Mr. Ruiz has endured substantial pain and suffering and disfigurement.

Pursuant to O.C.G.A. §51-12-14, the Unliquidated Damages Interest Act, Mr. Ruiz hereby demands \$15,000.00 to settle all claims against the City of Atlanta. If this amount is not paid within thirty days of the mailing of this notice, Mr. Ruiz will be entitled to receive interest at the rate of 12% per annum on the demanded sum if, upon trial of the case, the judgment is for an amount not less than the sum demanded.

Please advise if any further information is required for the city to make a decision on whether to settle this matter. I look forward to working with you in an effort to achieve an amicable resolution.

Sincerely,

LONG, WEINBERG, ANSLEY & WHEELER, LLP



Charles K. Reed

CKR/rp

Enclosures

cc: Mr. Diego Ruiz

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